

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 8/20/2018

BOARD MEMBERS PRESENT: Paul J Morgan - Chair
H Scott Calhoun
Brent Lee Stanger
B Jane McClaran
Eric J Brinton

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Eric Nelson, Board Prosecutor
Cesley Metcalfe, Technical Records Specialist II

The meeting was called to order at 8:30 AM MDT by Paul J Morgan.

INTRODUCTION OF NEW BOARD MEMBER

Mr. Morgan introduced and welcomed Mr. Brent Stanger to the Board, and Ms. Cory introduced Bureau staff.

APPROVAL OF MINUTES

Mr. Calhoun made a motion to approve the minutes of 5/24/18 and 6/18/18. It was seconded by Ms. McClaran. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadline to submit legislative ideas to the Governor's Office was July 13, 2018 and the deadline to submit proposed law and rule changes to the Governor's Office was August 17, 2018 for the 2019 Legislative Session.

INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE

Ms. Cory said that the Executive Order report was submitted to the Governor and Lt. Governor prior to July 1 and it has been linked on the Board's main webpage. Ms. Cory updated the Board on the legislative interim committee on occupational licensing and certification laws. The Occupational Licensing & Certification Laws

Committee met on June 22. Ms. Cory was invited to present on the process and executive order reports for the Boards served by the Bureau. It also heard from Greg Wilson, chief of staff to Lieutenant Governor Little; Albert Downs, policy specialist for the National Conference of State Legislatures; and Patrick Grace, regional manager for the Division of Building Safety.

In her presentation before the Committee, Ms. Cory noted that 29 of the 30 Boards served by the Bureau had submitted their reports. She let the Board know that all of the reports were submitted before the July 1 deadline and each Board's report has been posted to its website.

Comments by the Committee included that its efforts appeared to be on a parallel track with those of the executive order, and committee members outlined a framework where each of them would take a few reports to review with members of the Boards who wrote them. The co-chairs encouraged legislators on the committee to volunteer to review reports where they felt like they had a connection to the occupation or had constituents who serve on the Board.

The committee had set its next meeting for Tuesday, August 7. Ms. Cory said that she received notice that the August 7 meeting was cancelled, and that she will let Board members know when she is notified of the rescheduled date.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$661,635.48 as of 7/31/18.

CONTRACT RENEWAL

Ms. Hall presented the fiscal year 2019 contract renewal to the Board. Ms. McClaran made a motion to approve the contract renewal and allow the Board Chair sign it on behalf of the Board. It was seconded by Mr. Calhoun. Motion carried.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case number REA-2018-5. After discussion, the Board gave recommendations for appropriate discipline. Mr. Brinton was recused from the discussion.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Calhoun made a motion to approve the Bureau's recommendation and authorize closure with an advisory letter in case REA-2018-14. It was seconded by Ms. McClaran. Motion carried.

Mr. Calhoun made a motion to accept the CEU settlement in case REA-2018-6 and authorize the Board Chair to sign on behalf of the Board. It was seconded by Ms. McClaran. Motion carried.

Ms. McClaran made a motion to accept the payment proposal in case REA-2013-4 and impose a two-year time limit to complete payment of the full amount due. It was seconded by Mr. Brinton. Motion carried.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

NEW BUSINESS

NOTIFICATION TO LICENSEES

The Board discussed sending a notice to licensees regarding the proposed rules. Mr. Calhoun made a motion to authorize the Bureau to draft a notice to licensees regarding the proposed rules; to authorize the Board Chair to review and approve it; and to have the Bureau mail it to licensees. It was seconded by Ms. McClaran. Motion carried.

APPLICATION UPDATES

Ms. Hall informed the Board that the fee for national fingerprint-based criminal history record checks was reduced from \$37.00 to \$32.00, and that all relevant forms have been updated to reflect the fee change.

ASSOCIATION OF APPRAISER REGULATORY OFFICIALS (AARO) FALL CONFERENCE

The Board discussed the upcoming Association of Appraiser Regulatory Officials (AARO) 2018 Fall Conference, scheduled for October 19-22 in Washington, D.C. Ms. McClaran made a motion to authorize two Board members and one Bureau staff to attend the conference. It was seconded by Mr. Calhoun. Motion carried.

CORRESPONDENCE

The Board reviewed and discussed correspondence from an appraiser asking if it is permissible for a mortgage company to prohibit commentary within an appraisal report regarding assistance from a trainee on the assignment for which the report is issued. The Board stated that it does not have oversight of lenders, and stated that

as the client, the decision of a mortgage company to limit commentary in the appraisal report is a business practice decision. It was discussed that appraisers must ensure that the appraisal reports they complete comply with USPAP requirements, including the disclosure of "when any portion of the work involves significant real property appraisal assistance," in accordance with Standards Rule 2-3. Mr. Stanger made a motion directing Bureau staff to draft a response for review and approval by the Board Chair, and to send the response to the appraiser once it has been approved by the Board Chair. It was seconded by Ms. McClaran. Motion carried.

EXECUTIVE SESSION

Mr. Calhoun made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Mr. Brinton. The vote was: Mr. Morgan, aye; Mr. Calhoun, aye; Ms. McClaran, aye; Mr. Stanger, aye; and Mr. Brinton, aye. Motion carried.

Mr. Calhoun made a motion to come out of executive session. It was seconded by Ms. McClaran. The vote was: Mr. Morgan, aye; Mr. Calhoun, aye; Ms. McClaran, aye; Mr. Stanger, aye; and Mr. Brinton, aye. Motion carried.

APPLICATIONS

Mr. Calhoun made a motion to approve the following for examination:

901100739

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to approve the following for licensure:

Jodi Dennett LRA-4776

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to approve the following for examination:

901149801

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to table the following for additional information:

901140845

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to table the following for additional information:

901161304

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to approve the following pending additional information:

90103734

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to approve the following for licensure:

Cristen Martin CRA-4764

It was seconded by Mr. Brinton. Motion carried.

CE COURSES

Mr. Calhoun made a motion to approve the following continuing education courses:

Appraisal Institute – Ignorance Isn't Bliss: Understanding an Investigation by a
State Regulatory Board or Agency

Appraisal Institute – Valuation by Comparison: Residential Analysis and Logic

Appraisal Institute, Seattle Chapter – 2018 Fall Real Estate Conference

ASFMRA – ASFMRA 89th Annual Convention Day 2

Idaho Water Engineering – Water Rights Survival Course for Appraisers

LIA Administrators & Insurance Services – Hot Legal Issues for NW Appraisers

National Business Institute – Top Challenges in Subdivision, Annexation and Zoning

It was seconded by Mr. Stanger. Motion carried.

BOARD ELECTIONS

Mr. Calhoun made a motion to elect Mr. Morgan as Board Chair. It was seconded by Mr. Brinton. Motion carried.

Mr. Brinton made a motion to elect Mr. Calhoun as Board Vice-Chair. It was seconded by Ms. McClaran. Motion carried.

NEXT MEETING was scheduled for October 25, 2018 at 8:30 AM MDT.

ADJOURNMENT

Ms. McClaran made a motion to adjourn the meeting at 11:51 AM MDT. It was seconded by Mr. Calhoun. Motion carried.

Paul J Morgan, Chair

H Scott Calhoun

Brent Lee Stanger

B Jane McClaran

Eric J Brinton

Tana Cory, Bureau Chief